

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Thomas E. Smith,	:	
	:	
Plaintiff	:	Civil Action 2:07-cv-00828
	:	
v.	:	Judge Graham
	:	
Michael J. Astrue, Commissioner of Social Security,	:	Magistrate Judge Abel
	:	
Defendant	:	

ORDER

This matter is before the Court on Magistrate Judge Abel's August 6, 2008 Report and Recommendation. No objections have been filed to the Report and Recommendation. The Court, having reviewed the record *de novo*, determines that there is substantial evidence of record supporting the administrative law judge's determination that plaintiff Thomas E. Smith is not disabled within the meaning of the Act.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation. Plaintiff's motion for summary judgment is **DENIED**. Defendant's motion for summary judgment is **GRANTED**. The decision of the Commissioner of Social Security is **AFFIRMED**. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** for defendant.

This action is hereby **DISMISSED**.

S/ James L. Graham
James L. Graham
United States District Judge

Date: September 2, 2008